

FACT SHEET

PROJECT NAME AND STATE: Cheyenne River Sioux Tribe, Lower Brule Sioux Tribe, and State of South Dakota Terrestrial Wildlife Habitat Restoration

AUTHORIZATION: P.L. 106-53, Water Resources Development Act of 1999 and Public Law 106-541, Water Resources Development Act of 2000.

LOCATION AND DESCRIPTION: The project provides for (1) transfer in fee title of Corps of Engineers lands (outside the boundaries of Indian reservations) above the top of the exclusive flood pools at Oahe, Big Bend, Fort Randall and Gavins Point dam/reservoir projects in the State of South Dakota to the South Dakota Department of Game, Fish and Parks (SDGFP); (2) transfer in fee title of Corps lands within the exterior boundaries of the Cheyenne River Sioux Tribe (CRST) Indian Reservation and the Lower Brule Sioux Tribe (LBST) Indian Reservation that are above the top of the exclusive flood pools at the Oahe and Big Bend Projects to the Department of Interior to be managed in trust for the two respective Tribes; (3) transfer of all Corps recreation areas in South Dakota to SDGFP, CRST or LBST; and (4) establishment of a \$165.4 million trust fund in the Federal treasury (\$108 million for the State and \$57.4 million for the Tribes), of which the interest pays for terrestrial wildlife restoration work and management of transferred lands and recreation areas.

PROPOSED ACTIVITIES FOR FY 2003: Major work items will be management of the transferred lands by the State of South Dakota (State) and the two Tribes. Other work will include survey, certification and ordinance removal of a Formerly Used Defense Site known as the Armstrong Aerial Gunnery Range on the Little Bend Recreation Area at Lake Oahe; and a feasibility study about contaminated sediments on the Cheyenne River in South Dakota.

Operations and maintenance work will be activities to protect cultural resources that are being damaged by reservoir erosion and provide funding for approved stewardship plans.

ISSUES AND OTHER INFORMATION: On February 8, 2002 the Quit Claim Deeds for the recreation areas in South Dakota were delivered to the South Dakota Game, Fish and Parks, effectively transferring these areas in compliance with the Title VI legislation. Leases for the eight recreation areas near the dams were put in effect on March 15, 2002.

Several Indian tribes oppose the transfer of lands to the State of South Dakota, because these lands were covered under the Fort Laramie Treaty of 1869. Assistant Secretary of the Army for Civil Works, Dr. Westphal, met with the Black Hills Sioux Nation Treaty Council in June 1999 and committed to conducting an analysis of the treaty issues prior to transferring lands to the State. An informal analysis by the ASA(CW) and Department of Justice in 2001 determined the land transfer would have no affect on the Treaties.

ACTION OFFICER: Mike George 402-221-7176

20 June 2002